

REMARKS

Summary of Amendments

Claim 1 has been canceled and claim 2 has been rewritten in independent form to include all of the limitations of claim 1.

Claim 3 has been amended to redress a technical error in its original recitations; the amendments are fully supported by the specification as filed—in particular, by lines 12-16 on page 9.

Because claim 1 has been canceled and claim 2 rewritten as the sole independent claim, claims 3-5 have each been amended to depend from claim 2 rather than 1.

Claim Rejections – 35 U.S.C. § 102 & § 103

Claims 1 and 4-5 were rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over, U.S. Pat. No. 5,449,576 to Anani.

Anani teaches forming secondary electrolytes in between the positive and negative electrodes flanking the electrolyte of a rechargeable battery. To reject claim 1, the Office appears to be equating the secondary electrode of *Anani* with the solid electrolyte film recited in claim 1. The Office then relies on *Anani's* describing, in columns 5 and 6, materials suitable for the secondary electrolytes—in particular, lithium ion conducting glasses as detailed in column 5, lines 15-25. There *Anani* discloses, as the Office notes, a lithium conducting salt including a modifier, which can be LiO, Li₂S, or combinations thereof, and a glass former, which can be P₂S₅, P₂O₅, or combinations thereof.

The Office also notes that according to *Anani*, the secondary electrolyte may be "deposited by sputtering." What *Anani* actually teaches in the passage the Office refers to—the last paragraph of column 5—is that the secondary electrolyte may be deposited as a coating onto the primary electrolyte. In the present invention, in contrast, the solid electrolyte film is laminated together with other constituents of the electrode, not deposited onto the battery electrolyte.

According to the present invention as recited in claim 2, the metallic lithium film, in addition to the solid electrolyte film, incorporates oxygen.

Claim 1 has been canceled, and claim 2, indicated as being allowable, has been rewritten as an independent claim incorporating all of the limitations of claim 1. Meanwhile, claims 3-5 have been revised to depend from claim 2; hence, it is respectfully submitted that all the pending claims should be held allowable.

Allowable Subject Matter

Applicant gratefully acknowledges that claims 2 and 3 were indicated as being conditionally allowed. The present amendment clearly fulfills the condition for allowance of claim 2.

Claim 3 was, like claim 2, indicated as being allowable in its own right, if rewritten in independent form to incorporate all the limitations of its base claim. Nevertheless, on account of having been mistranslated, claim 3 erroneously appeared to recite, like claim 2, that the metallic lithium film of claim 1 incorporates oxygen, but simply adding a condition on *where* the included oxygen is within the film. Claim 3 should instead have recited *an additional* metallic lithium film, the film having a specified oxygen content that is different from the oxygen content recited in claim 2 for the primarily-constituting metallic lithium film. This is a modification that is explained on page 9, lines 12-16 of the specification.

Claim 3, then, has been amended to correctly set forth this additional element of—that is, an additional metallic lithium film in—a lithium secondary battery negative-electrode component material according to the present invention. Accordingly, claim 3 has been left dependent—that is, made to depend from an allowable claim 2—rather than put into independent form as the Office had suggested, based on a claim 3 that erroneously made it appear to be a narrower variant of claim 2, would render claim 3 allowable.

Conclusion

Accordingly, Applicant courteously urges that this application is in condition for allowance. Reconsideration and withdrawal of the rejections is requested. Favorable action by the Examiner at an early date is solicited.

Respectfully submitted,

March 14, 2008

/James Judge/

James W. Judge
Registration No. 42,701

JUDGE PATENT ASSOCIATES
Dojima Building, 5th Floor
6-8 Nishitemma 2-Chome, Kita-ku
Osaka-shi, JAPAN 530-0047

Telephone: **305-938-7119**
Voicemail/Fax: **703-997-4565**